
Public Utilities Commission of the State of California

Results of Public Agenda 3099

Meeting Held on Thursday, November 7, 2002 10:00 a.m.

San Francisco, California

Commissioners

Loretta M. Lynch, President (Present)

Geoffrey F. Brown (Present)

Henry M. Duque (Present)

Michael R. Peevey (Present)

Carl W. Wood (Present)

Website: <http://www.cpuc.ca.gov>

Scheduled Commission Meetings

505 Van Ness Avenue, San Francisco

<i>Ratesetting Deliberative Meeting*</i> <i>Room 5305</i> <i>(1:30 p.m.)</i> <i>Closed to the Public</i>	<i>Commission Meeting</i> <i>Auditorium</i> <i>(10 a.m.)</i> <i>Open to the Public</i>
Monday, November 18, 2002 (San Francisco)	Thursday, November 21, 2002 (San Francisco)
Monday, December 02, 2002 (San Francisco)	Thursday, December 05, 2002 (San Francisco)
Thursday, December 12, 2002 (San Francisco)	Tuesday, December 17, 2002 (San Francisco)

**Ratesetting Deliberative Meeting dates are reserved as noted but will be held only if there are ratesetting matters to be considered and a Commissioner has requested that a Ratesetting Deliberative Meeting be held.*

For further information contact the Public Advisor
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PUBLIC COMMENT

The following items are not subject to public comment:

- All items on the closed session agenda; these are HEX and EX items.
-

Public Comment:

Re H-10: Don King, Oakland, CA

Re H-13:

Gabriel Castillo, Union City, CA

Giselle Quezada, San Francisco, CA

Jeff Caviness, Brentwood, CA

Joe Ann Walls, San Francisco, CA

John T. Young, San Diego, CA

Judy Perez, Paramount, CA

Louie Rocha, San Jose, CA

Michele Noia, San Francisco, CA

Sandra Franco, Napa, CA

Consent Agenda

Items shown on the Consent Agenda will be taken up and voted on as a group in one of the first items of business of each Commission meeting. Items may be removed from the Consent Agenda for discussion on the Regular Agenda at the request of any Commissioner prior to the meeting.

Orders and Resolutions

- | | |
|--------------------------------|---|
| CA-1

1109 | Res TL-19014
Resolution approving issuance of charter-party carrier certificates pursuant to Section 5374(b) of the Public Utilities Code.
Outcome Approved
Yes: (Brown, Duque, Lynch, Peevey, Wood)
No: (none)
Abstain: (none)
Absent: (none) |
| CA-2

1112 | Res ALJ-176-3099
Ratification of preliminary determination of category for proceedings initiated by application. The preliminary determinations are pursuant to Article 2.5, Rules 4 and 6.1 of the Commission's Rules of Practice and Procedure.
Outcome Approved
Yes: (Brown, Duque, Lynch, Peevey, Wood)
No: (none)
Abstain: (none)
Absent: (none) |

**CA-3
1108****A00-06-023 - Southern California Edison Company (SCE).**

Application regarding Year Six (1999-2000) under its experimental gas cost incentive mechanism and related gas supply matters. SCE seeks modification of D02-06-023 to alter the text of the decision and to eliminate two findings of fact. SCE has not met its burden of showing that the changes are necessary or are justified by the record. The petition is denied. This proceeding is closed.

(Comr Lynch - ALJ Walker)

(Agenda 3098, Item CA-11 10/24/2002 (Lynch))

Outcome Held (11/21/2, Consent Agenda. Further review.)

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

**CA-4
1050****A01-11-043 - Southern California Edison Company (SCE).**

This decision grants SCE authority under Pub. Util. Code § 851 to enter into two master agreements and associated standard agreements to lease excess space at communications facilities and antenna equipment locations to AT&T Wireless Services of California, LLC and affiliated companies (AT&T Wireless). The leased space would be used by AT&T Wireless to expand its wireless communications network. This proceeding is closed.

(Comr Brown - ALJ Walker)

(Agenda 3095, Item CA-11 9/19/2002 (Wood))

Outcome Held (12/5/02, Consent Agenda. Further analysis.)

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

**CA-5
1061****C02-04-003 - AC Farms Sherwood, et al. vs. Southern California Edison Company.**

This decision dismisses Complaint for failing to state a claim under Public Utilities Code Section 1702. This proceeding is closed.

(Comr Brown - ALJ DeBerry)

(Agenda 3096, Item CA-12 10/3/2002 (Staff))

Outcome Signed

[D02-11-003](#)

Yes: (Brown, Duque, Lynch, Peevey, Wood)

No: (none)

Abstain: (none)

Absent: (none)

**CA-6
1062****A01-10-020 - North Gualala Water Company (North Gualala).**

This decision concludes that North Gualala acted reasonably in undertaking a Source of Supply Study, authorizes recovery of \$323,274.67 from customers through a surcharge on the monthly bill over the next five years and resolves a dispute over the appropriate ratemaking account for recording the Study costs. This proceeding is closed.

(Comr Duque - ALJ Vieth)

(Agenda 3096, Item CA-13 10/3/2002 (Duque))

Outcome Signed

[D02-11-004](#)

Yes: (Brown, Duque, Lynch, Peevey, Wood)

No: (none)

Abstain: (none)

Absent: (none)

**CA-7
932****A02-05-023 - Southern California Edison Company (SCE).**

This decision grants SCE authority under Pub. Util. Code § 851 to enter into three master agreements and associated standard agreements and three stand-alone agreements that will lease excess space at communication facility sites and antenna equipment locations to Nextel of California, Inc. (Nextel). Nextel will use the space to expand its wireless communications network. In D00-07-010, the Commission previously granted similar authority to SCE to lease these types of space to Pacific Bell Mobile Services. The application is unopposed and is granted. This proceeding is closed.

(Comr Brown - ALJ Walker)

(Agenda 3092, Item CA-40 8/8/2002 (Wood); Agenda 3094, Item CA-5 9/5/2002 (Wood))

Outcome Held (12/5/02, Consent Agenda. Further analysis.)

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

**CA-8
939****A02-04-049 - Southern California Edison Company (SCE).**

This decision grants SCE authority under Pub. Util. Code § 851 to enter into four master agreements and associated standard agreements that will lease excess space at communication facility sites and antenna equipment locations to Sprint PCS Assets L.L.C. (Sprint PCS). Sprint PCS will use the space to expand its wireless communications network. In D00-07-010, the Commission previously granted similar authority to SCE to lease this type of space to Pacific Bell Mobile Services. The application is unopposed and is granted. This proceeding is closed.

(Comr Brown - ALJ Walker)

(Agenda 3092, Item CA-42 8/8/2002 (Wood); Agenda 3094, Item CA-6 9/5/2002 (Wood))

Outcome Held (12/5/02, Consent Agenda. Further analysis.)

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

**CA-9
942****C02-03-053 - Vickie Marvich and Alvin B. Colley vs. Pacific Gas and Electric Company.**

This decision dismisses the complaint due to failure to state a claim under Public Utilities Code Section 1702. This proceeding is closed.

(Comr Brown - ALJ Patrick)

Outcome Signed

[D02-11-005](#)

Yes: (Brown, Duque, Lynch, Peevey, Wood)

No: (none)

Abstain: (none)

Absent: (none)

**CA-10
1157****A02-05-057 - U.S. TelePacific Corp. (TelePacific) and SIPCO Limited (SIPCO).**

This decision approves TelePacific and SIPCO's request for approval of the indirect transfer of control of TelePacific. This proceeding is closed.

(Comr Peevey - ALJ Grau)

(Agenda 3098, Item CA-17 10/24/2002 (Lynch))

Outcome Held (11/21/02, Consent Agenda. Further review.)

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

**CA-11
1161 C89-10-054 - Complaint of Utility Design, Inc. and Utility Contractors, Inc. against Pacific Gas and Electric Company for violation of competition in line extensions and other anticompetitive actions.**

This decision closes this proceeding, as decisions in other dockets, particularly the Commission's line extension rulemaking (R92-03-050) have mooted the issues raised in the complaint.

(Comr Brown - ALJ Patrick)

Outcome Withdrawn

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

**CA-12
1165 A97-12-020 - Pacific Gas & Electric Company (PG&E).**

For authority, among other things, to increase rates and charges for electric and gas service effective on January 1, 1999. I97-11-026, A94-12-005, I95-02-015 - Related matters. This decision grants PG&E's petition to modify D00-02-046 to the extent set forth in the decision, and adopts several modifications to D00-02-046 to correct and clarify the decision. In addition, the Commission finds that D00-02-046 does not reflect the Commission's intent in that decision, as modified by D01-10-031, to adopt a \$10.6 million adjustment to supervision costs in Account 903. D00-02-046, therefore, erroneously includes supervision costs that the Commission did not intend to approve. This decision orders that a correction be included in an updated results of operation calculation.

(Comr Wood - ALJ Wetzell)

Outcome Held (12/5/02, Consent Agenda.)

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

**CA-13
1166 A01-09-024 - Southern California Gas Company (SoCalGas).**

A01-10-005 - Related matters. This decision grants SoCalGas' request for balancing account protection for noncore revenue risk effective January 1, 2003, until a decision issues in SoCalGas' Biennial Cost Allocation Proceeding.

(Comr Brown - ALJ Brown)

Outcome Held (11/21/02, Regular Agenda. Possible alternate.)

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

**CA-14
1167****Res W-4350 - Del Oro Water Company.**

This resolution authorizes a surcharge of \$4.00 per month per customer for five years producing an annual increase in revenue of \$20,496 or 8.9% for a total of \$102,480 to recover legal expanses. (Advice Letter (AL) 109 filed July 25, 2002 and AL 109-A filed September 5, 2002.)

Outcome Approved

Yes: (Brown, Duque, Lynch, Peevey, Wood)

No: (none)

Abstain: (none)

Absent: (none)

**CA-15
1177****Res T-16700 - Pacific Bell Telephone Company (Pacific).**

This resolution approves an Interconnection Agreement between Pacific and Comm South Companies, Inc. dba California Comm South, in accordance with the provisions of General Order 96-A and Resolution ALJ-181.

Outcome Approved

Yes: (Brown, Duque, Lynch, Peevey, Wood)

No: (none)

Abstain: (none)

Absent: (none)

**CA-16
1178****Res T-16699 - Pac-West Telecomm, Inc. (Pac-West).**

This resolution approves a CMRS Agreement between Pac-West and AT&T Wireless Services, Inc. in accordance with the provisions of General Order 96-A and Resolution ALJ-181.

Outcome Approved

Yes: (Brown, Duque, Lynch, Peevey, Wood)

No: (none)

Abstain: (none)

Absent: (none)

**CA-17
1181****P02-05-060 - Arthur Crittenden (Crittenden).**

Petition to institute a quasi-legislative procedure to allow California utilities to place third-party literature into their billing statement envelopes. This decision denies the Petition filed by Crittenden pursuant to Public Utilities Code Section 1708.5. Crittenden's proposal that the Commission develop rules to allow utilities to charge third parties to include those parties' advertising inserts in utility bills does not enhance consumer information about the utilities and their services and does not address any current need of utilities or consumers. The Commission declines to commit its limited resources to develop the program that Crittenden suggests. This proceeding is closed.

(Comr Wood - ALJ Simon)

Outcome Signed

[D02-11-006](#)

Yes: (Brown, Duque, Lynch, Peevey, Wood)

No: (none)

Abstain: (none)

Absent: (none)

**CA-18
1199****R00-05-001 - Order Instituting Rulemaking into implementation of Senate Bill 669, regarding The Deaf and Disabled Telecommunications Program.**

This decision grants in part and denies in part the Deaf and Disabled Telecommunications Administrative Committee's (DDTPAC) Petition for Modification of D01-07-012 to allow per diem compensation to be paid to members of specific DDTPAC subcommittees. This proceeding is closed.

(Comr Duque - ALJ Thomas)

Outcome Held (11/21/02, Consent Agenda.)

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

**CA-19
1208****R02-01-011 - Order Instituting Rulemaking regarding the implementation of the suspension of direct access pursuant to Assembly Bill 1X and D01-09-060.**

This decision grants the petition to modify D02-03-055 filed by City of Corona to clarify that utility distribution companies should continue to process and execute new agreements with qualified energy service providers.

(Comr Brown, Comr Wood - ALJ Pulsifer)

Outcome Held (11/21/02, Consent Agenda. Further review.)

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

**CA-20
1225****Res W-4360 - Del Oro Water Company, Ferndale District (FD).**

This resolution authorizes FD a increase in rates producing a increase in annual revenues of \$1,095 or \$0.28% for test year 2002.

(Agenda 3098, Item CA-34 10/24/2002 (Staff))

Outcome Held (11/21/02, Consent Agenda.)

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

**CA-21
1233****(ECP) C02-06-018 - Manfred F. Gildner vs. Southern California Edison Company.**

Complainant was switched from Baseline Zone 17 to Baseline Zone 16, thereby causing his electric bill to increase. His request to return to Baseline Zone 17 is denied. Defendant switched complainant's baseline zone to correct an error. Defendant's action was proper. This proceeding is closed.

(Comr Duque - ALJ Barnett)

Outcome Signed

[D02-11-007](#)

Yes: (Brown, Duque, Lynch, Peevey, Wood)

No: (none)

Abstain: (none)

Absent: (none)

**CA-22
1235****(ECP) C02-05-042 - Deborah H. Cameron vs. Verizon Wireless; The Merrimac Group.**

Complainant seeks to have her outstanding charges (\$342.96) cancelled and a refund of \$130 paid because Defendant rendered poor service and refused to cancel her contract. Held, outstanding charges of \$342.96 cancelled. Defendant billed complainant after terminating service and defendant provided poor service. This proceeding is closed.

(Comr Duque - ALJ Barnett)

Outcome Signed

[D02-11-008](#)

Yes: (Brown, Duque, Lynch, Peevey, Wood)

No: (none)

Abstain: (none)

Absent: (none)

**CA-23
1236****(ECP) C02-03-021 - C.W. Lee vs. California Water Service Company.**

Complainant seeks to have defendant install a new billing system because of an error in handling his checks. Held. Relief is denied. This proceeding is closed.

(Comr Peevey - ALJ Barnett)

Outcome Signed

[D02-11-009](#)

Yes: (Brown, Duque, Lynch, Peevey, Wood)

No: (none)

Abstain: (none)

Absent: (none)

**CA-24
1265****A01-10-031 - Sacramento Regional Transit District (District).**

This decision grants the request of the District for an order authorizing the construction, maintenance, and operation of a light rail passenger system on a structure over 19th Street, the Union Pacific Railroad mainline, 20th Street, the District spur track, 21st Street, and 22nd Street in the City of Sacramento, County of Sacramento. This proceeding is closed.

(Exam Clark)

Outcome Signed

[D02-11-010](#)

Yes: (Brown, Duque, Lynch, Peevey, Wood)

No: (none)

Abstain: (none)

Absent: (none)

**CA-25
1266****A01-12-029 - East Bay Regional Park District (EBRPD).**

This decision authorizes the EBRPD to construct a pedestrian-bikeway at grade across the tracks of the Union Pacific Railroad Company in Contra Costa County, near the town of Oakley. This proceeding is closed.

(Exam Clark)

Outcome Signed

[D02-11-011](#)

Yes: (Brown, Duque, Lynch, Peevey, Wood)

No: (none)

Abstain: (none)

Absent: (none)

**CA-26
1267****A02-01-038 - Alameda Corridor - East Construction Authority (ACE).**

This decision grants the request of the ACE to replace an existing at-grade crossing with a grade-separated underpass at Nogales Street in the City of Industry, Los Angeles County. This proceeding is closed.

(Exam Clark)

Outcome Signed

[D02-11-012](#)

Yes: (Brown, Duque, Lynch, Peevey, Wood)

No: (none)

Abstain: (none)

Absent: (none)

**CA-27
1268****A02-05-043 - City of Riverside (City).**

This decision grants the City authority to construct a grade separation at the Jurupa Avenue Railroad Crossing and closure of Mountain View Avenue in the City, Riverside County. This proceeding is closed.

(Exam Clark)

Outcome Signed

[D02-11-013](#)

Yes: (Brown, Duque, Lynch, Peevey, Wood)

No: (none)

Abstain: (none)

Absent: (none)

**CA-28
1275****Res W-4362 - Interstate 5 Utility Company, Inc.**

This resolution authorizes an interim general rate increase subject to refund, producing additional gross annual revenue of \$12,096 (27.24%). (Advice Letter filed June 17, 2002.)

Outcome Approved

Yes: (Brown, Duque, Lynch, Peevey, Wood)

No: (none)

Abstain: (none)

Absent: (none)

**CA-29
1277**

A02-09-021 - Pacific Gas & Electric Company (PG&E).

This decision confirms the nomination by PG&E of Gail P. Seneca as a member of its Nuclear Facilities Decommissioning Master Trust Committee. This proceeding is closed.

(Exam Clanon)

Outcome Signed

[D02-11-014](#)

Yes: (Brown, Duque, Lynch, Peevey, Wood)

No: (none)

Abstain: (none)

Absent: (none)

**CA-30
1289**

Res W-4361 - Rogina Water Company, Inc.

This resolution authorizes a surcharge to recover an undercollection in its purchased power balancing account producing an increase in annual revenue of \$29,556 or 6.72%.

Outcome Approved

Yes: (Brown, Duque, Lynch, Peevey, Wood)

No: (none)

Abstain: (none)

Absent: (none)

**CA-31
1290**

I97-07-018 - Order Instituting Investigation on the Commission's own motion into the operations, practices, rates and charges of the Hillview Water Company, Inc., a corporation, and Roger L. Forrester, the principal shareholder and president.

A00-10-043 - Related matters. This decision grants authority to Hillview Water Company, Inc., to borrow \$3,408,477 under the Safe Drinking Water State Revolving Fund; to encumber its assets; and upon completion of the project to place in effect a surcharge to repay the loan. A00-10-043 is closed.

(Comr Duque - ALJ Ryerson)

Outcome Signed

D02-11-015

Yes: (Brown, Duque, Lynch, Peevey, Wood)

No: (none)

Abstain: (none)

Absent: (none)

**CA-32
1292****A02-07-040 - Choice Telecom, LLC.**

This decision grants the Application of Choice Telecom, LLC to offer resold Competitive Local Exchange Carriers Services throughout the territories of Pacific Bell Telephone Company's and Verizon California Inc.'s service territory. This proceeding is closed.

(Comr Peevey - ALJ Bemederfer)

Outcome Signed

[D02-11-016](#)

Yes: (Brown, Duque, Lynch, Peevey, Wood)

No: (none)

Abstain: (none)

Absent: (none)

**CA-33
1298****R00-10-002 - Order Instituting Rulemaking into the operation of interruptible load programs offered by Pacific Gas and Electric Company (PG&E), San Diego Gas & Electric Company (SDG&E), and Southern California Edison Company (Edison) and the effect of these programs on energy prices, other demand responsiveness programs, and the reliability of the electric system.**

This decision awards The Utility Reform Network \$29,682.76 in compensation for its contribution to D02-03-024 and D02-04-060 regarding conservation voltage reduction and interruptible program design for the electric utilities PG&E, SDG&E, and Edison.

(Comr Wood - ALJ Mattson)

Outcome Signed

[D02-11-017](#)

Yes: (Brown, Duque, Lynch, Peevey, Wood)

No: (none)

Abstain: (none)

Absent: (none)

**CA-34
1299****A01-12-035 - Alameda Corridor-East Construction Authority (ACE).**

ACE requests Commission authority to relocate the existing Mission Drive at-grade crossing approximately 190 feet easterly along Union Pacific Railroad Company's Alhambra Subdivision main line track in the City of San Gabriel, Los Angeles County. This proceeding is closed.

(Exam Clark)

Outcome Signed

[D02-11-018](#)

Yes: (Brown, Duque, Lynch, Peevey, Wood)

No: (none)

Abstain: (none)

Absent: (none)

**CA-35
1301****R00-01-005 - Order Instituting Rulemaking into implementation of Assembly Bill 1149, regarding underground electric and communications facilities.**

For intervenors' contributions to D01-12-009, the Commission grants intervenor compensation awards as follows: \$71,822.16 to The Utility Reform Network; \$56,659.05 to California Alliance for Utility Safety and Education; \$26,764.63 to Citizens Concerned About EMFs; and \$29,733.00 to 19th Street Neighbors.

(Comr Duque - ALJ Brown)

Outcome Signed

[D02-11-019](#)

Yes: (Brown, Duque, Lynch, Peevey, Wood)

No: (none)

Abstain: (none)

Absent: (none)

**CA-36
1305****C00-08-040 - Utility Consumers' Action Network (UCAN) vs. San Diego Gas & Electric Company.**

This decision grants \$77,297.00 to UCAN for contributions to D02-05-001. This proceeding is closed.

(Comr Wood - ALJ Brown)

Outcome Signed

[D02-11-020](#)

Yes: (Brown, Duque, Lynch, Peevey, Wood)

No: (none)

Abstain: (none)

Absent: (none)

**CA-37
1306****I98-12-012 - Order Instituting investigation on the Commission's own motion into the rates, charges, and practices of water and sewer utilities providing service to mobilehome parks and multiple unit residential complexes and the circumstances under which those rates and charges can be passed to the end user.**

This decision grants California Mobilehome and Resource Action Association \$18,768.35 in compensation for its contribution to D01-05-058.

(Comr Lynch - ALJ Evans)

Outcome Signed

[D02-11-021](#)

Yes: (Brown, Duque, Lynch, Peevey, Wood)

No: (none)

Abstain: (none)

Absent: (none)

Regular Agenda**Utility and Transportation Orders**
Orders Held Over**H-1 A00-12-026 - Pacific Gas and Electric Company (PG&E).**

38 For approval of agreements allowing access to electric distribution facilities for the installation and maintenance of telecommunications equipment. This decision grants PG&E authority to convert nine of the 13 license agreements into lease agreements. The remaining four agreements will be addressed in a future decision after further review of the agreements' compliance with Section 851 and the California Environmental Quality Act.

(Comr Lynch - ALJ Kenney)

(Agenda 3080, Item CA-9 1/23/2002; Agenda 3087, Item CA-9 5/2/2002; Agenda 3088, Item CA-28 5/16/2002; Agenda 3090, Item H-1 6/27/2002; Agenda 3091, Item H-2 7/17/2002; Agenda 3093, Item H-1 8/22/2002 (Duque); Agenda 3095, Item H-1 9/19/2002 (Lynch); Agenda 3096, Item H-1 10/3/2002 (Wood))

Outcome Held (11/21/02. Further analysis.)

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

H-1a ALTERNATE TO ITEM 38

854 For approval of agreements allowing access to electric distribution facilities for the installation and maintenance of telecommunications equipment. The alternate decision concludes that the lease agreements are, in effect, licenses and therefore Public Utilities Code Section 851 is not applicable.

(Comr Duque)

(Agenda 3091, Item H-2a 7/17/2002; Agenda 3093, Item H-1a 8/22/2002 (Duque); Agenda 3095, Item H-1a 9/19/2002 (Lynch); Agenda 3096, Item H-1a 10/3/2002 (Wood))

Outcome Held (11/21/02. Further analysis.)

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

**H-2
623****R93-04-003 - California Public Utilities Commission.**

Rulemaking on the Commission's own motion to govern open access to bottleneck services and establish a framework for Network Architecture Development of Dominant Carrier Networks. I93-04-002 - Related matters. This decision adopts permanent Unbundled Network Element rates for the High Frequency Portion of the Loop (HFPL) for both Pacific Bell Telephone Company (Pacific) and Verizon California Inc. (Verizon). The decision finds that establishing a separate rate for the HFPL allows Pacific and Verizon to over-recover their loop costs, since they currently recover the full cost of the loop through rates for the unbundled loop. Pacific and Verizon are required to return HFPL revenues to ratepayers through a surcredit on residential and business basic exchange customers bills.

(Comr Wood - ALJ Jones)

(Agenda 3089, Item 3 6/6/2002; Agenda 3091, Item H-6 7/17/2002; Agenda 3092, Item H-2 8/8/2002 (Wood); Agenda 3093, Item H-4 8/22/2002 (Peevey); Agenda 3095, Item H-2 9/19/2002 (Wood); Agenda 3098, Item H-2 10/24/2002 (Staff))

Outcome Held (12/5/02)

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

**H-3
936****R_____ - Order Instituting Rulemaking to implement the provisions of Public Utilities Code § 761.3, enacted by Chapter 19 of the 2001-02 Second Extraordinary Legislative Session.**

This proceeding is opened to implement Pub. Util. Code §761.3, which confirms the authority of the Commission to address electric generation facility issues. The purpose of this proceeding is to develop rules to (1) enforce California Independent System Operator outage scheduling protocols and (2) implement and enforce the generator operation and maintenance standards that will be adopted by the California Electric Generation Facilities Standards Committee, established by the statute.

(Comr Wood)

(Agenda 3092, Item 6 8/8/2002 (Wood); Agenda 3093, Item H-14 8/22/2002 (Wood); Agenda 3095, Item H-8 9/19/2002 (Staff); Agenda 3098, Item H-5 10/24/2002 (Peevey))

Outcome Held (11/21/02. Further review.)

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

**H-4
967 I00-11-002 - Order Instituting Investigation into the adequacy of the Southern California Gas Company's (SoCalGas) and San Diego Gas & Electric Company's (SDG&E) gas transmission systems to serve the present and future gas requirements of SDG&E's core and noncore customers.**

This decision adopts new rules and procedures for SDG&E and SoCalGas to prevent future gas curtailments. This proceeding is closed.

(Comr Wood - ALJ Brown)

(Agenda 3095, Item 2 9/19/2002 (Staff); Agenda 3096, Item H-5 10/3/2002 (Lynch))

Outcome Held (11/21/02. Further consideration.)

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

**H-5
996 A02-05-006 - National Comtel Network, Inc. (NCN) and Jeff L. Foss (Foss).**

This decision grants the joint application of NCN and Foss for approval of the transfer of control of NCN to Foss. This proceeding is closed.

(Comr Peevey - ALJ O'Donnell)

(Agenda 3094, Item CA-9 9/5/2002 (Lynch); Agenda 3095, Item H-12 9/19/2002 (Lynch); Agenda 3098, Item H-8 10/24/2002 (Brown))

Outcome Withdrawn

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

**H-5a
1242 ALTERNATE TO ITEM 996**

This alternate decision denies the joint application of National Comtel Network, Inc. (NCN) and Jeff L. Foss (Foss) for approval of the transfer of control of NCN to Foss. The applicants failed to seek Commission approval before the requested transfer of control went into effect, contrary to the requirements of Public Utilities Code Sections 851 and 854. This proceeding is closed.

(Comr Lynch)

(Agenda 3098, Item H-8a 10/24/2002 (Brown))

Outcome Withdrawn

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

**H-6
1001****A99-08-050 - Wickland Pipelines LLC.**

Wickland Pipelines LLC seeks Commission approval of an environmental review, a new corporate membership structure, additional membership capital contributions, issuance of promissory notes, and authorization of market-based rates in connection with its operation of a jet fuel pipeline and tank farm project at Sacramento International Airport. The application is granted to the extent set forth. This proceeding is closed.

(Comr Peevey - ALJ Walker)

(Agenda 3094, Item CA-13 9/5/2002 (Wood); Agenda 3096, Item H-6 10/3/2002 (Wood))

**Outcome Signed (Pres. Lynch reserves the right to join Comr. Wood's dissent.
Comr. Wood will file a dissent.)**

[D02-11-023](#)

Yes: (Brown, Duque, Peevey)

No: (Lynch, Wood)

Abstain: (none)

Absent: (none)

**H-6a
1279****ALTERNATE TO ITEM 1001**

This alternate differs from the ALJ's draft decision (DD) by denying without prejudice Wickland's request for authorization to use market-based rates. In addition, this alternate deletes the DD's first ordering paragraph authorizing the construction of the pipeline, since Wickland has not requested such authorization and the Commission lacks a basis for providing it.

(Comr Wood)

Outcome Defeated

Yes: (Lynch, Wood)

No: (Brown, Duque, Peevey)

Abstain: (none)

Absent: (none)

**H-7
1088****A99-11-025 - Pacific Gas & Electric Company.**

For a certificate of public convenience and necessity authorizing the construction of the Tri Valley 2002 capacity increase project. This decision grants Kottinger Ranch Homeowners Association an award of \$498,413.43 in compensation for its contribution to D01-10-029. The award is reduced for modifications to hourly rates, duplication with the City of Pleasanton, and unproductive effort on certain issues. This proceeding is closed.

(Comr Duque - ALJ Cooke)

(Agenda 3098, Item 1 10/24/2002 (Duque))

Outcome Signed

[D02-11-024](#)

Yes: (Brown, Lynch, Peevey, Wood)

No: (Duque)

Abstain: (none)

Absent: (none)

**H-8
1118 A02-05-010 - Comcast Business Communications, Inc. (Comcast) and AT&T Broadband Phone Company of California, LLC (AT&T Broadband Phone).**

A02-05-011 - Related matters. This decision approves change in control of AT&T Broadband Phone and Comcast that results from merger of AT&T Broadband Phone and Comcast into AT&T Comcast Corporation. Analysis pursuant to Public Utilities Code Section 854 indicates transaction serves public interest.

(Comr Peevey - ALJ Sullivan)

(Agenda 3098, Item 2 10/24/2002 (Brown))

Outcome Signed (Pres. Lynch will file a concurrence.)

D02-11-025

Yes: (Brown, Duque, Lynch, Peevey, Wood)

No: (none)

Abstain: (none)

Absent: (none)

**H-9
1141 A00-11-038 - Southern California Edison Company.**

For authority to institute a rate stabilization plan with a rate increase and end of rate freeze tariffs.

A00-11-056, A00-10-028, C02-02-027 - Related matters. This decision modifies D01-03-082 to remove the restriction on the use of surcharge revenues. These proceedings remain open.

(Comr Lynch - ALJ Mattson)

(Agenda 3098, Item 3 10/24/2002 (Staff))

Outcome Signed

[D02-11-026](#)

Yes: (Brown, Duque, Lynch, Peevey, Wood)

No: (none)

Abstain: (none)

Absent: (none)

**H-9a
1237 ALTERNATE TO ITEM 1141**

This alternate modifies D01-03-082 to remove the restriction on the use of surcharge revenues. The proceeding remains open. This alternate adds additional clarifying language on why utility solvency is a legitimate consideration in the imposition of surcharges.

(Comr Brown)

(Agenda 3098, Item 3a 10/24/2002 (Staff))

Outcome Withdrawn

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

**H-10
1147****R02-01-011 - Order Instituting Rulemaking regarding the implementation of the suspension of Direct Access (DA) pursuant to Assembly Bill 1X and D01-09-060.**

This decision addresses the issue of DA customers' cost responsibility and related ratemaking issues that arise as a result of the suspension of DA as ordered in D02-03-055. This decision establishes mechanisms to implement surcharges for 2003 applicable to DA customers within the service territories of California's three major electric utilities.

(Comr Brown, Comr Wood - ALJ Pulsifer)

(Agenda 3098, Item 5 10/24/2002 (Peevey))

Outcome Signed as Modified (Change to Ordering Paragraph 13. Pres. Lynch will file a dissent. Comr. Peevey will file a concurrence. Comr. Wood will file a dissent.)

[D02-11-022](#)

Yes: (Brown, Duque, Peevey)

No: (Lynch, Wood)

Abstain: (none)

Absent: (none)

**H-10a
1151****ALTERNATE TO ITEM 1147**

The alternate decision differs from the proposed decision by not adopting a Direct Access surcharge cap at this time. Rather, this alternate defers consideration of a Direct Access Cost Responsibility Surcharges cap to the first annual update.

(Comr Wood)

(Agenda 3098, Item 5a 10/24/2002 (Peevey))

Outcome Defeated

Yes: (Lynch, Wood)

No: (Brown, Duque, Peevey)

Abstain: (none)

Absent: (none)

**H-10b
1230****ALTERNATE TO ITEM 1147**

This alternate order differs from the administrative law judge's proposed decision in that customers that have their Direct Access Service Requests submitted prior to July 1, 2001 will be exempt from the Power Charge portion of the Cost Responsibility Surcharge.

(Comr Peevey)

(Agenda 3098, Item 5b 10/24/2002 (Peevey))

Outcome Defeated

Yes: (Brown, Peevey)

No: (Duque, Lynch, Wood)

Abstain: (none)

Absent: (none)

**H-10c
1252****ALTERNATE TO ITEM 1147**

This alternate differs from the proposed decision in the following ways: 1) Adopts a cap on direct access (DA) cost responsibility surcharge of 4 cents, rather than 2.7 cents/kwh; 2) Uses the utilities' rate of return on rate base to set the interest rate on bundled customers funds which are used to pay DA revenue shortfalls resulting from the cap, since these funds may not be repaid for many years; 3) Seeks comments on the need for a higher cap for San Diego Gas & Electric Company (SDG&E) or alternative ways of mitigating the SDG&E's high DA cost responsibilities in early years.

(Comr Lynch)

(Agenda 3098, Item 5c 10/24/2002 (Peevey))

Outcome Withdrawn

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

**H-11
1150****A00-10-045 - San Diego Gas & Electric Company (SDG&E).**

For an order implementing Assembly Bill (AB) 265. A01-01-044 - Related matters. This decision addresses the request of SDG&E to impose a surcharge on customers to recover the AB 265 undercollection.

(Comr Wood - ALJ Wong)

(Agenda 3098, Item 7 10/24/2002 (Duque))

Outcome Held (12/5/02. Further consideration.)

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

**H-11a
1246****ALTERNATE TO ITEM 1150**

This alternate adopts the settlement of federal litigation proposed by San Diego Gas & Electric Company (SDG&E) on June 14, 2002. Based on the outcome of the settlement, SDG&E's request for a surcharge is denied.

(Comr Peevey)

(Agenda 3098, Item 7a 10/24/2002 (Duque))

Outcome Held (12/5/02. Further consideration.)

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

**H-12
1257****R_____ - Order Instituting Rulemaking into the service quality standards for all telecommunications carriers and revisions to General Order 133-B.**

This rulemaking is opened to determine the service quality measurements and standards that should apply to all telecommunications carriers and to make revisions to existing measurements and standards as appropriate.

(Agenda 3098, Item 9 10/24/2002 (Brown))

Outcome Held (11/21/02. Further review & possible modification.)

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

**H-13
1258****I_____ - Order Instituting Investigation into statements by SBC Communications and SBC Pacific Bell regarding potential reductions to service quality.**

This proceeding is opened to investigate statements by representatives of SBC Communications and SBC Pacific Bell that recently announced layoffs will harm customer service and to determine what action by the Commission is appropriate.

(Agenda 3098, Item 10 10/24/2002 (Peevey))

Outcome Signed

I02-11-008

Yes: (Brown, Duque, Lynch, Peevey, Wood)

No: (none)

Abstain: (none)

Absent: (none)

**H-13a
1310****ALTERNATE TO ITEM 1258**

This alternate is opened to investigate if recently announced layoffs will harm customer service and to determine what action by the Commission is appropriate.

(Comr Peevey)

Outcome Withdrawn

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

**H-14
1261**

I _____ - Order Instituting Investigation into the gas market activities of Southern California Gas Company, San Diego Gas & Electric Company, Southwest Gas Corporation, Pacific Gas and Electric Company, Wild Goose Storage, Inc. , and Southern California Edison and their impact on the gas price spikes experienced at the California border from December 2000 through May 2001.

In this investigation, the Commission will examine the reasons for the increase in the price of natural gas at the California border from December 2000 through May 2001.

(Agenda 3098, Item 11 10/24/2002 (Lynch))

Outcome Held (11/21/02)

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

Orders

- 1**
1057 **R01-12-009 - Order Instituting Rulemaking on the Commission's own motion to evaluate existing practices and policies for processing offset rate increases and balancing accounts in the water industry to decide whether new processes are needed.**
- In this interim decision applicable only to Class A water utilities, the Commission revises the existing procedures for recovery of under collections and over collections in balancing accounts existing prior to November 29, 2001.
- (Comr Brown - ALJ Econome)
- Outcome Held (11/21/02. Further review.)**
- Yes: (none)
No: (none)
Abstain: (none)
Absent: (none)
-
- 2**
1159 **R92-03-050 - Order Instituting Rulemaking on the Commission's own motion to consider the line extension rules of electric and gas utilities.**
- This decision rejects free inspections for projects undertaken by third-party contractors at ratepayer expense; and rejects proposed accounting changes for line extension costs. This proceeding is closed.
- (Comr Duque - ALJ Patrick)
- Outcome Held (11/21/02. Further review.)**
- Yes: (none)
No: (none)
Abstain: (none)
Absent: (none)
-
- 3**
1196 **A01-03-008 - Pacific Gas & Electric Company (PG&E).**
- This decision denies the Application of PG&E for approval of an irrevocable lease for Metromedia Fiber Network Services, Inc. (MFNS) to use and install fiber optic cable on PG&E's facilities. The Commission finds that PG&E has failed to meet its burden of establishing that the approval it seeks will not cause environmental impacts that require analysis under California Environmental Quality Act. Moreover, PG&E's application is part of a piecemeal approach MFNS has taken to acquiring approval and environmental review of its San Francisco Bay Area fiber optic project. Finally, PG&E has failed to identify with specificity the facilities affected. This proceeding is closed.
- (Comr Lynch - ALJ Thomas)
- Outcome Held (11/21/02)**
- Yes: (none)
No: (none)
Abstain: (none)
Absent: (none)

4 A02-05-022 - Pacific Gas and Electric Company (PG&E).**1209**

For authority to establish its authorized rates of return on common equity for electric utility operations and gas distribution for test year 2003. A02-05-025, A02-05-026, A02-05-031 - Related matters.

This decision establishes a test year 2003 return on equity for PG&E, Southern California Edison Company, Sierra Pacific Power Company, and San Diego Gas & Electric Company. This proceeding remains open to true up PG&E's return on equity upon its implementing a plan approved by the bankruptcy court that enables it to emerge out of bankruptcy.

(Comr Brown, Comr Peevey - ALJ Galvin)

Outcome Signed

[D02-11--027](#)

Yes: (Brown, Duque, Lynch, Peevey, Wood)

No: (none)

Abstain: (none)

Absent: (none)

4a ALTERNATE TO ITEM 1209**1293**

This alternate decision differs from the proposed decision of the administrative law judge in that it leaves the utilities' return on equity at the current levels rather than authorizing an unnecessary increase in the rates of return.

(Comr Lynch)

Outcome Withdrawn

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

5 A01-04-007 - Southern California Gas Company.**1210**

For authority pursuant to Public Utilities Code Section 851 to sell cushion gas in its Aliso Canyon and La Goleta storage fields. This decision addresses the 14Bcf of reclassified gas at Aliso Canyon and La Goleta, which should be done with it, and how the proceeds should be allocated. The decision also addresses whether the additional storage capacity should be classified as part of the noncore unbundled storage program. This proceeding is closed.

(Comr Lynch - ALJ Wong)

Outcome Signed

[D02-11-028](#)

Yes: (Brown, Duque, Lynch, Peevey, Wood)

No: (none)

Abstain: (none)

Absent: (none)

- 6**
1269 **A00-10-012 - Los Angeles to Pasadena Metro Blue Line Construction Authority.**
For an order authorizing the construction of two light rail transit tracks at-grade crossing West Avenue 45 in the City and County of Los Angeles. A01-06-011, A00-11-050, A00-11-040, A00-11-034, A.00-11-033, A.00-11-032, A00-11-029, A00-11-016, A00-11-015, A00-10-050, A00-10-039, A00-10-033, A00-10-020 - Related matters. This decision denies the petition of Pasadena Avenue Monterey Road Committee to modify D02-05-047 by ordering a dual crossing at Pasadena Avenue. These proceedings are closed.
(Comr Duque - ALJ Rosenthal)
Outcome Signed
[D02-11-029](#)
Yes: (Brown, Duque, Lynch, Peevey, Wood)
No: (none)
Abstain: (none)
Absent: (none)
- 7**
1287 **I02-07-015 - Order Instituting Investigation of Pacific Gas and Electric Company (U 39 M)**
to issue, sell and deliver common stock and one or more series of its first and refunding mortgage bonds, debentures, subordinated deferrable interest debentures, promissory notes and or other evidences of indebtedness in connectin with a confirmed plan of reorganization under Chapter 11 of the Bankruptcy Code, the total aggregate principal amount of such issuances and guarantees not to exceed \$9.5 billion.
This decision authorizes Pacific Gas & Electric Company financing authority as may be required to implement a confirmed plan of reorganization.
(Comr Peevey - Exam Clanon)
Outcome Signed
D02-11-030
Yes: (Brown, Duque, Lynch, Peevey, Wood)
No: (none)
Abstain: (none)
Absent: (none)
- 8**
1308 **A02-06-021 - San Diego Gas & Electric Company (Applicant).**
This decision grants the Applicant request for authority to issue short-term obligations in the aggregate principal amount up to \$200,000,000 in addition to the amount of notes payable at periods of not more than 12 months authorized without Commission approval by Public Utilities Code §823(c). This proceeding is closed.
(Exam Clanon)
Outcome Held (12/5/02)
Yes: (none)
No: (none)
Abstain: (none)
Absent: (none)

Utilities Resolutions and Written Reports**Energy Matters****E-1 Res E-3781 - San Diego Gas & Electric (SDG&E).**

794 This resolution denies without prejudice SDG&E's proposal to return \$168 million overcollected in the Transition Cost Balancing Account (TCBA) as of March 31, 2002 to AB X1 43 customers.

(Advice Letter 1405-E filed May 10, 2002)

(Agenda 3091, Item E-1 7/17/2002; Agenda 3092, Item E-1 8/8/2002 (Peevey); Agenda 3093, Item E-1 8/22/2002 (Peevey); Agenda 3095, Item E-1 9/19/2002 (Duque); Agenda 3098, Item E-1 10/24/2002 (Duque))

Outcome Approved

Yes: (Duque, Lynch, Wood)

No: (Brown, Peevey)

Abstain: (none)

Absent: (none)

E-1a ALTERNATE TO ITEM 794

842 Urgent request to return \$168 million overcollected in the transition cost balancing account to San Diego Gas & Electric Company customers. Approximately \$52 million of the overcollection will be credited towards the Assembly Bill 265 undercollection while the remainder of the balance will be returned to large customers.

(Advice Letter 1405-E filed on May 10, 2002)

(Comr Peevey)

(Agenda 3091, Item E-1a 7/17/2002; Agenda 3092, Item E-1a 8/8/2002; Agenda 3093, Item E-1a 8/22/2002 (Peevey); Agenda 3095, Item E-1a 9/19/2002 (Duque); Agenda 3098, Item E-1a 10/24/2002 (Duque))

Outcome Withdrawn

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

E-2 Res E-3788 - San Diego Gas & Electric (SDG&E).

1065 This resolution denies SDG&E Advice Letter 1407-E/1313-G without prejudice. SDG&E's request should be filed as an application to allow the collection of additional information, grant parties an opportunity to be heard, enable the Commission to rely upon a more fully developed record, and yield notice to customers affected by the proposed rate change.

(Advice Letter 1407-E/1313-G filed May 14, 2002)

(Agenda 3096, Item E-1 10/3/2002 (Brown))

Outcome Held (12/5/02. Further review.)

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

E-2a ALTERNATE TO ITEM 1065**1294**

This alternate resolution approves San Diego Gas & Electric Company's request to increase the electric and gas franchise fee surcharges to the ratepayers in the City of San Diego to collect additional revenues to cover increased franchise fees payable to the City of San Diego.

Outcome Held (12/5/02. Further review.)

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

E-3 Res E-3790 - Southern California Edison Company (SCE).**1145**

This resolution exempts residential usage below 130% of baseline, and CARE and medical baseline customers from the Historical Procurement Charge applicable to SCE's direct access customers pursuant to D02-07-032. (Advice Letter 1640-E-A filed July 24, 2002).

(Agenda 3098, Item E-3 10/24/2002 (Brown))

Outcome Approved

Yes: (Brown, Duque, Lynch, Peevey, Wood)

No: (none)

Abstain: (none)

Absent: (none)

E-4 Res G-3339 - Pacific Gas & Electric Company (PG&E).**1152**

PG&E seeks to recover in core rates the costs related to the utility's subscription to El Paso Natural Gas Company pipeline capacity, made in compliance with R02-06-041, and existing pipeline capacity held by PG&E on Transwestern Pipeline. (Advice Letter (AL) 2401-G filed July 31, 2002, and AL 2405-G filed August 29, 2002.)

(Agenda 3098, Item E-4 10/24/2002 (Duque))

Outcome Held (11/21/02. Further review.)

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

**E-4a
1260****ALTERNATE TO ITEM 1152**

Pacific Gas and Electric Company (PG&E) seeks to recover in rates assessed core customers costs related to the subscription of turned back El Paso Natural Gas Company (El Paso) pipeline capacity, made in compliance with R02-06-041, and existing pipeline capacity held on Transwestern Pipeline Company (Transwestern). PG&E is authorized to collect El Paso pipeline charges from all gas ratepayers, on an equal-cents-per-therm basis, pending the outcome of Phase II in Rulemaking R02-06-041. PG&E must continue to collect only the currently authorized portion of Transwestern costs.

(Comr Duque)

(Agenda 3098, Item E-4a 10/24/2002 (Duque))

Outcome Held (11/21/02. Further review.)

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

**E-5
1192**

Res G-3337 - Southern California Gas Company (SoCalGas), Pacific Gas and Electric Company (PG&E), San Diego Gas & Electric Company (SDG&E), and Southern California Edison Company (Edison).

This resolution approves the requests of SoCalGas, PG&E, SDG&E, and Edison for authority to revise the tax factor applied to Contributions in Aid of Construction to reflect a recent change in the Internal Revenue Code, except for the requested effective date. The effective date of the revised tax factor shall be September 11, 2002. (SoCalGas Advice Letter 3154 filed May 22, 2002, PG&E Advice Letter 2387-G/2243-E filed May 22, 2002, SDG&E Advice Letter 1412-E/1315-G filed May 22, 2002, and Edison Advice Letter 1624-E filed May 22, 2002.)

Outcome Held (11/21/02.)

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

Telecommunications Matters**C-1 Res T-16687 - Verizon California Inc. (Verizon).**

1191 This resolution rejects Verizon's request to offer three packages that consist of 1 FR plus a bundle of custom calling and CLASS features because its proposals do not comply with the bundling requirements set forth in Commission decisions. (Advice Letter (AL) 9952 filed on December 21, 2001, AL 9952-A filed January 14, 2002 and AL 9952-B filed June 20, 2002, respectively.)

Outcome Held (12/5/02. For alternate.)

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

Rail Safety and Carrier Division Reports and Resolutions**T-1****Res ST-54****1207**

This resolution grants the request to approve the Consumer Protection and Safety Division's Audit Report of the Los Angeles County Metropolitan Transportation Authority and orders the report recommendations be implemented.

Outcome Approved

Yes: (Brown, Duque, Lynch, Peevey, Wood)

No: (none)

Abstain: (none)

Absent: (none)

Commissioner's Reports

CR-1 **Commissioners' Reports.**
1115 Miscellaneous Commissioners' reports.

Outcome Withdrawn

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

CR-2 **President Lynch Report**
1309 Institution of investigation regarding the Commission's enforcement regarding misuse of state government property through use of inappropriate material and comparing the Commission's enforcement and standards to those of the Department of Justice and the Office of the Governor.

Outcome Held (11/21/02)

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

Management Reports and Resolutions**M-1 Management Reports****1214** Miscellaneous Management reports.**Outcome Withdrawn**

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

M-2 General Counsel's Report**1222** Consideration of Authority given (and to be given) to the General Counsel with respect to the California Department of Water Resources bond transaction, including, but not limited to, matters covered by the Summary of Material Terms.**Outcome Withdrawn**

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

Closed Session

This notice is furnished under Government Code Sections 11125 and 11126.3. The Commission will meet in Closed Session following the Public Session of its regularly scheduled meeting. In the Closed Session, the Commission may consider personnel matters as provided under Government Code Section 11126(a), institution of proceedings or disciplinary actions against any person or entity under the jurisdiction of the Commission as provided under Government Code Sections 11126(d)(2) and 11126(e)(2)(C)(i), and pending litigation as provided under Government Code Section 11126(e). Additional items may be added to the closed session agenda pursuant to Gov. Code Section 11126.3(d). If in Closed Session the Commission votes to appoint, employ, or dismiss a public employee, the Commission will thereafter reconvene in Open Session to make the

Non-Federal Items

Orders Held Over

HEX-1

361

I99-07-003 - Conference with Legal Counsel – Applications for Rehearing.

Disposition of Application for Rehearing of D01-12-018 filed by the Southern California Generation Coalition, The Utility Reform Network and the Department of General Services. The decision adopted the Comprehensive Gas Settlement for the market and regulatory framework for Southern California Gas Company and San Diego Gas & Electric Company.

(Agenda 3085, Item EX-5 4/4/2002; Agenda 3089, Item HEX-4 6/6/2002; Agenda 3091, Item HEX-2 7/17/2002; Agenda 3093, Item HEX-2 8/22/2002 (Wood); Agenda 3098, Item HEX-1 10/24/2002 (Staff))

Outcome Signed (Pres. Lynch will file a dissent. Comr. Wood reserves the right to join Pres. Lynch's dissent.

)

D02-11-031

Yes: (Brown, Duque, Peevey)

No: (Lynch, Wood)

Abstain: (none)

Absent: (none)

**HEX-2
1102****A00-01-022 - Conference with Legal Counsel – Application for Rehearing.**

Disposition of Application for Rehearing of D00-08-011 filed by AT&T Communications (AT&T), TCG, and TCI. This decision affirmed the results adopted in the Final Arbitrator's Report with some modifications, and approved the resulting arbitrated interconnection agreement between AT&T and Pacific Bell. Applicants allege legal error with respect to the decision's treatment of reciprocal compensation components and treatment of calls when Calling Party Number information is not available.

(Agenda 3096, Item EX-6 10/3/2002 (Duque); Agenda 3098, Item HEX-5 10/24/2002 (Duque))

Outcome Signed

D02-11-032

Yes: (Brown, Duque, Lynch, Peevey, Wood)

No: (none)

Abstain: (none)

Absent: (none)

**HEX-3
1144****C88-03-016 - Conference with Legal Counsel - Application for Rehearing.**

Order disposing of application for rehearing of D01-06-034 filed by Napa Valley Wine Train, Inc. (Wine Train). D01-06-034 grants, in part, the City of St. Helena's petition for modification of prior decisions concerning the Wine Train. D01-06-034 concludes that the Wine Train's passenger excursion service does not constitute regulated transportation and that, in providing such service, the Wine Train is not functioning as a public utility.

(Agenda 3098, Item EX-5 10/24/2002 (Peevey))

Outcome Held (11/21/02. Further review.)

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)

Orders**EX-5
1307****A02-02-024 - Conference with Legal Counsel - Application for Rehearing.**

Disposition of Application for Rehearing of Resolution E-3765 filed by The Utility Reform Network. Resolution E-3765 was issued by the Commission on January 24, 2002 and granted, with some modifications, Southern California Edison Company's (SCE) request for approval of the Procurement Related Obligations Account to implement the October 2, 2001 Settlement Agreement between SCE and the Commission.

Outcome Withdrawn

Yes: (none)

No: (none)

Abstain: (none)

Absent: (none)